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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/740,727

12/18/2000

George G. Mooty

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4185

1333 7590 04/09/2004

PATENT LEGAL STAFF  
EASTMAN KODAK COMPANY  
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EXAMINER

GIBBS, HEATHER D

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 04/09/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/740,727

Applicant(s)

MOOTY ET AL.

Examiner

Heather D Gibbs

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2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4-5.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

DETAILED ACTION

*Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Channels (B, F, and T) as mentioned on Page 7 Line 26. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2,6 are rejected under 35 U.S.C. 102(b) as being anticipated by Edgar (US 5,465,155).

Regarding claim 1, Edgar teaches a method for creating a single digital image file from multiple digital images, comprising: using a single imaging station to generate a plurality of digital images from a medium, each digital image representing the same source image on the medium; and combining the plurality of digital images to create a single enhanced digital image which represents the source image (Col 3 Lines 55-Col 4 Lines 16).

Considering claim 2, Edgar teaches a method wherein the medium comprises developing film (Fig 5a).

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Regarding claim 6, Edgar teaches a method wherein the medium comprises developing film, and the imaging station comprises a back source configured to apply radiation to the back of the developing film, a front source configured to apply radiation to the front of the developing film, a back sensor configured to sense radiation from the back of the developing film, and a front sensor configured to sense radiation from the front of the developing film (Fig 9).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edgar (US 5,465,155) in view of Tsutsui et al (US 5,132,998).

Edgar teaches of the method as discussed above in claim 1, but fails to particularly point out wherein the imaging station comprises a radiation source and a radiation sensor.

Tsutsui teaches of a radiographic imaging method wherein the imaging is conducted by using one radiation source and radiation sensor (Col 4 Lines 25-34; Fig 5).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Edgar's imaging method with the radiographic imaging method of Tsutsui. Tsutsui's imaging method would easily be modified to be included in the imaging method of Edgar as both systems are used in imaging processing and hence share cumulative features making them additive in nature.

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6. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edgar (US 5,465,155) in view of King et al (US 1,829,095).

Edgar teaches of the method as discussed above in claim 1, but fails to particularly teach further comprising: moving the medium through the single imaging station in a continuous uni-directional path and wherein the medium is moved by applying the medium to a transport structure and rotating the structure.

King teaches moving the medium through the single imaging station in a continuous uni-directional path and wherein the medium is moved by applying the medium to a transport structure and rotating the structure (Page 2, Col 2 Lines 75-70).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Edgar's imaging method with the medium transport structure of King. King's film reel would easily be modified to be included in the imaging method of Edgar as King teaches wherein his device could be interchangeable to be used in any system.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edgar (US 5,465,155) in view of Edgar (US 6,404,516).

Edgar '155 teaches of the imaging method as discussed above, however Edgar '516 expressly discloses aligning the plurality of digital images.

Edgar '516 teaches of further aligning the plurality of digital images in Col 3 Lines 18-39).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to further expressly disclose the aligning of plurality of images as both methods share cumulative features making them additive in nature.

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8. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edgar (US 5,790,277).

Edgar '277 teaches of a method for creating a digital imaging file from a developing film, comprising: applying developer to film to cause the film to begin to develop; positioning a frame on the developing film in front of a source during a first film development period; during the first film development period, applying radiation to the frame of the developing film using the source; creating a first digital image file from the frame of the film during the first film development period using a sensor; creating a first digital image file from the sensed first radiation; returning the frame to the source during a second film development period; during the second film development period, applying radiation to the frame of the developing film using the source; sensing second radiation from the frame of the film during the second film development period using a sensor; creating a second digital image file from the sensed second radiation, and combining the first and second digital image files to form a combined digital image file which represents the frame (Col 8 Lines 12-37).

For further clarification, Edgar teaches of radiation being applied to the front layer of the film and again in the back layer of the film. The radiation is sensed from the reflected light of the film. See Fig 9. Lastly, The images of the first and second image are combined by a stitching process (Col 4 Lines 44-65; Fig 4)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to utilize Edgar as means for creating a digital imaging file from a developing film.

Regarding claim 9, Edgar teaches wherein each sensing step comprises: sensing radiation reflected from the front and back of the film and radiation transmitted through the film (Fig 9).

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9. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edgar (US 5,790,277) in view of King (US 1,829,095).

Regarding claim 10, Edgar teaches of the imaging method as discussed above but fails to particularly teach wherein the positioning and returning steps are conducted by moving the film in the same direction.

King teaches wherein the positioning and returning steps are conducted by moving the film in the same direction (Page 2, Col 2, Lines 81-103).

Regarding claim 11, King teaches wherein the positioning and returning steps are conducted by moving the developing film in a uni-directional continuous path (Page 2, Col 2 Lines 75-80).

Considering claim 12, King teaches wherein the moving step is conducted by applying the developing film to a film transport structure and rotating the structure (Page 2, Col 2 Lines 75-80).

Claims 14-18, which are representative of claims 1-13, are rejected for the same reasoning as discussed above.

***Information Disclosure Statement***

10. The information disclosure statement filed fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered. A box of patents has been associated with this case; however, there is no PTO-1449 form that was accompanied with the box. At this time, the references submitted have not been considered.

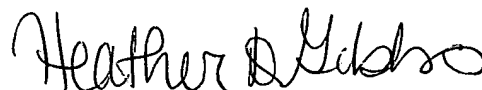
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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D Gibbs whose telephone number is 703-306-4152. The examiner can normally be reached on M-F 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Heather D Gibbs  
Examiner  
Art Unit 2622

hdg